

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARLVIN JUSTICE,

Plaintiff,

No. C 05-4474 PJH

v.

**NOTICE AND ORDER**

PEOPLE OF THE STATE  
OF CALIFORNIA et al.,

Defendants.

On December 18, 2005, the court issued an order adopting the Magistrate Judge's Report and Recommendation, and remanded this case to Alameda County Superior Court, the state court from which plaintiff appears to have originally improperly removed the case. On February 1, 2006, however, the Alameda County Superior Court returned the court's remand order, stating that the state court case number originally provided by plaintiff to the court – and subsequently referenced on all federal court documents – is not a recognizable case number within the Alameda Superior Court system.

As the court has already found that this case does not belong in this court, there are only two options—remand or dismissal. If this case is a criminal case originating in Alameda County, it must be remanded to that county as this court has attempted to do. However, it is essential that an accurate case number be provided in order to accomplish the remand. If plaintiff disagrees and believes this case belongs in federal court, his only option would be an appeal from a dismissal entered by this court. Accordingly, plaintiff must either provide the correct Alameda County Superior Court case number within 30 days of the date of this order, so that the court can once again remand this case to the proper court, or the court will dismiss this action for lack of jurisdiction so that plaintiff may avail himself of any

1 appeal to which the law may entitle him in the Ninth Circuit Court of Appeals.

2 **IT IS SO ORDERED.**

3 Dated: February 15, 2006



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PHYLLIS J. HAMILTON  
United States District Judge